

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD ROBIN BARREN,

Plaintiff,

v.

THE STATE OF NEVADA EX REL, et al.,

Defendants.

Case No.: 2:23-cv-00792-APG-MDC

ORDER

(ECF Nos. 15, 18)

I. DISCUSSION

On April 1, 2024, the Court issued an order screening Plaintiff's first amended complaint under 28 U.S.C. § 1915A. (ECF No. 13). The Court dismissed the first amended complaint in its entirety and gave Plaintiff leave to file a second amended complaint. (*Id.*) Plaintiff subsequently filed a notice of appeal, as well as an "emergency motion" that appears to request that the Ninth Circuit Court of Appeals promptly address his appeal. (ECF Nos. 14, 15). Plaintiff has also filed a motion for an extension to file an amended complaint. (ECF No. 18). The Ninth Circuit Court of Appeals has denied Plaintiff's appeal due to a lack of jurisdiction. (ECF No. 20).

Plaintiff's emergency motion appears to request that the Court of Appeals promptly address his appeal in both this case and another pending case. (ECF No. 15). It appears that the motion was intended for the Court of Appeals, because Plaintiff signed it as "Appellant." (*Id.*) Because the Court of Appeals has already dismissed Plaintiff's appeal in this case, the Court denies the motion as moot.

Plaintiff's motion for an extension to file a second amended complaint states that he does not have access to the legal law library. (ECF No. 18). Plaintiff requests an additional 30 days in which to file a second amended complaint. (*Id.*) The Court grants Plaintiff an extension until **July 1, 2024**, to file a second amended complaint. Pursuant to the Court's screening order, this case will be subject to dismissal without prejudice if Plaintiff fails to file a second amended complaint by that deadline.

It is therefore ordered that Plaintiff's motion for an expedited appeal (ECF No. 15) is **DENIED** as moot.

Plaintiff is reminded that pursuant to the Court's screening order, this action will be subject to dismissal without prejudice if Plaintiff fails to file a second amended complaint on or before **July 1, 2024**.

2024.



UNITED STATES MAGISTRATE JUDGE

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